

The present Hutterite population originated from a small contingent of immigrants who arrived in the United States between 1874 and 1879. In 1880 the US census enumerated 443 Hutterites living in four colonies in South Dakota. By 1974 Hutterites living within colonies numbered approximately 21 521.² Thus, in about 100 years the Hutterite population increased almost 50-fold. This rapid population increase is explainable by the high fertility rate of this "unique population"³ and is due solely to internal increase, for there is practically no migration into the colonies.

In the process of evaluating signs and symptoms of psychiatric disorders we screened the total population for the presence of psychological as well as physical disorders by contacting mental hospitals, physicians, public agencies in the vicinity of the colonies and general hospitals to which Hutterites were referred. We interviewed the leaders and many hundreds of members of the Hutterite society.

The symptoms of a slowly progressive type of muscular dystrophy would not likely have escaped us. The three patients, now over 30 years of age, described by Shokeir and Kobrinsky were probably at the time of our study still asymptomatic. In our search for disorders no mention was made in the family histories of symptoms similar to those described.

After our epidemiologic study a team of scientists initiated an extensive investigation of health and genetic problems among the Hutterites.²

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References

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2. HOSTETLER JA: *Hutterite Society*, Baltimore, MD, Johns Hopkins Pr, 1974, p 265
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The Morgentaler case

To the editor: In his letter "The Morgentaler case" (*Can Med Assoc J* 113: 181, 1975) Dr. Peter N. Coles fails to appreciate that the jury is but a part of our judicial system, not the whole.

Why should an unreasonable jury have the unchecked power to make decisions against the law and the evidence? In my view the court's power to order a new trial may be inadequate to control a perverse jury. Would justice be served by the unchecked power of juries in Eire refusing to convict IRA murderers, or of all-white juries in the southern United States refusing to convict whites of murdering blacks,

or of juries in Sicily regularly discharging members of the Mafia? There would probably be juries in some parts of Québec that would refuse to convict FLQ members of crimes in the face of overwhelming evidence of guilt. In my view the court's power to reverse a jury's verdict is an effective means of ensuring equality before the law regardless of a person's political or economic power.

The Supreme Court of Canada shares the opinion of Dr. Coles that the reversal of a jury's verdict is a serious matter. Speaking for the majority in the Morgentaler case, Mr. Justice Pigeon stated:

Needless to say that this is obviously a power to be used with great circumspection; however, it is hard to conceive of a case in which it could be used, if not here. There cannot be any doubt concerning the commission of the offence by the accused. He had admitted the fact and denies his guilt only on the basis of some defences which the Court of Appeal rightly held unavailable, one of them because it was unfounded in law, the other because there was no evidence to support it.

It is interesting to compare the tactics of the proabortion forces in the Morgentaler case and in the Edelin case in the United States. Dr. Edelin was found guilty by a jury of manslaughter for aborting a 24-week pregnancy. The proabortion forces in Canada criticized the Supreme Court for exercising its powers to reverse Morgentaler's acquittal, whereas in the United States the proabortion forces demanded that the jury's verdict be set aside by an appeal court on the grounds that the jury ignored the directions of the judge. It is not difficult to appreciate the dangers of the unchecked jury regardless of one's stand on abortion.

Morgentaler, I believe, has been justly imprisoned. In his judgement Mr. Justice Dickson of the Supreme Court summarized the nine conditions that must be satisfied before an abortion is permissible. Morgentaler could satisfy only two of the nine — one being that he was a qualified medical practitioner, the other that he was not a member of an abortion committee. In my view Mr. Justice Dickson summarized the case in a nutshell when he stated:

The plain fact is that appellant made no attempt to bring himself within the bounds of legality in deciding to perform this abortion.

Morgentaler is not a martyr or folk hero. He violated the law and must pay his debt to society like any other criminal. In my view the interests of justice would not be served by Mor-

gentaler obtaining his release before serving the lawful and just term of imprisonment to which he was sentenced.

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Therapeutic abortion

To the editor: In his letter concerning the ethics of abortion (*Can Med Assoc J* 113: 276, 1975) it is ironic that Dr. Halliday should accuse some of his colleagues of making "confusing statements" on the subject.

Dr. Halliday states that abortion for "psychosocial" reasons "allows a variety of conditions to be included within an ethical medical framework" and goes on to say that "abortion on demand" has no ethical medical basis. This poses the question "What is meant by an ethical medical framework?"

A framework of ethics determines the morality of individual acts on a systematic basis. The abortion controversy is essentially a conflict of ethical systems over the rights of the fetus. If continuation of the pregnancy threatens the life of the mother unless the pregnancy is interrupted, both fetus and mother are doomed. A threat to the life of the mother constitutes the only permissible grounds for abortion under the traditional system of ethics. Abortion for reasons of maternal health is always unethical under this system.

The alternative ethical system applicable to medicine is the "utilitarian ethic", first systematically developed by Jeremy Bentham (1748-1832), a working definition of which is "the right action is determined solely on the basis of the consequences of the action", or more familiarly, "The greatest good for the greatest number".¹ Since the objective of the individual is to try to satisfy his desires and promote his welfare or happiness, so the objective of society should be to try to advance the satisfactions of those who belong to the society; a society is best arranged when its institutions maximize the net balance of satisfaction.

It could be that in order to maximize the satisfactions of the majority, a minority might have to suffer deprivation² (in this case the fetus). Under this system of ethics, abortion is therefore permissible whenever requested.

Clearly, abortion for "psychosocial" reasons and "abortion on demand" are permissible under the utilitarian ethic but never under the traditional ethic. Dr. Halliday's assertion that there is a fundamental ethical distinction between abortion for "psychosocial" reasons and "abortion on demand" is incorrect. Both may be ethical under a utilitarian